

STATE OF NEW YORK

5478

2017-2018 Regular Sessions

IN ASSEMBLY

February 9, 2017

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to unlawfully fleeing a police officer in a motor vehicle

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections 270.25, 270.30 and 270.35 of the penal law, as
2 added by chapter 738 of the laws of 2006, are amended to read as
3 follows:

4 § 270.25 [~~Unlawful~~] Unlawfully fleeing a police officer in a motor vehi-
5 cle in the third degree.

6 A person is guilty of [~~unlawful~~] unlawfully fleeing a police officer
7 in a motor vehicle in the third degree when, knowing that he or she has
8 been directed to stop his or her motor vehicle by a uniformed police
9 officer or a marked police vehicle by the activation of either the
10 lights or the lights and siren of such vehicle, he or she thereafter
11 attempts to flee such officer or such vehicle by driving at speeds which
12 equal or exceed twenty-five miles per hour above the speed limit or
13 engaging in reckless driving as defined by section twelve hundred twelve
14 of the vehicle and traffic law.

15 [~~Unlawful~~] Unlawfully fleeing a police officer in a motor vehicle in
16 the third degree is a class [~~A misdemeanor~~] E felony.

17 § 270.30 [~~Unlawful~~] Unlawfully fleeing a police officer in a motor vehi-
18 cle in the second degree.

19 A person is guilty of [~~unlawful~~] unlawfully fleeing a police officer
20 in a motor vehicle in the second degree when he or she commits the
21 offense of [~~unlawful~~] unlawfully fleeing a police officer in a motor
22 vehicle in the third degree, as defined in section 270.25 of this arti-
23 cle, and as a result of such conduct a police officer or a third person
24 suffers serious physical injury.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD03924-01-7

1 ~~[Unlawful]~~ Unlawfully fleeing a police officer in a motor vehicle in
2 the second degree is a class ~~[E]~~ D felony.

3 § 270.35 ~~[Unlawful]~~ Unlawfully fleeing a police officer in a motor vehi-
4 cle in the first degree.

5 A person is guilty of ~~[unlawful]~~ unlawfully fleeing a police officer
6 in a motor vehicle in the first degree when he or she commits the
7 offense of ~~[unlawful]~~ unlawfully fleeing a police officer in a motor
8 vehicle in the third degree, as defined in section 270.25 of this arti-
9 cle, and as a result of such conduct a police officer or a third person
10 is killed.

11 ~~[Unlawful]~~ Unlawfully fleeing a police officer in a motor vehicle in
12 the first degree is a class ~~[D]~~ C felony.

13 § 2. This act shall take effect immediately.